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| 09/673,468 | 12/04/2000 | Werner Eberle | EBERLE(PCT) | 7220 |

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EXAMINER

WAKS, JOSEPH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,468

Applicant(s)

EBERLE, WERNER

Examiner

Joseph Waks

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/DE00/00447, filed on February 17, 2000.

Drawings

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

Specification

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

This abstract does not comply with MPEP § 608.01(f) that requires a brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In line 1, "The invention relates" is a phrases that can be implied, line 15 "said receiving bodies" is a legal phraseology.

The abstract fails to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: equally legged trapezoidal element with an at least approximately rectangular center between the trapezoidal components as recited in claim 7.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 7, 8, and 16** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The equally legged trapezoidal element with an at least approximately rectangular center between the trapezoidal components, the close handling axle, are not described in the specification and not indicated in the drawings.

8. **Claims 7, 8, and 16** are also rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For the reasons indicated above one skilled in the art would not be able to make and/or use the invention.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. **Claims 1-17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "structured of two bodies" and lines 2-3 "at least one of said bodies" is vague and indefinite since the specification does not provide antecedent basis and it is not clear what the two bodies consist of and to what structure the limitation of the at least one of two bodies is related, line 4, "an at least one of the bodies" is

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ambiguous, examiner suggests --the other one of the bodies--, lines 6-7 and 13-14, "said carrier segments (2, 3, 22, 33, 34)" lack antecedent basis, lines 8-9, "in an operationally safe manner" is indefinite since it is a functional recitation that has not supported in the specification with a sufficient structure to accomplish the function, lines 12 and 15-16, "the cross section" lack antecedent basis, line 13, "each cavity" should be --each of said cavities--, and line 16, "each cavity" should be -- each said cavity--.

In claim 6, lines 4-5, "preferable by means by plug pins" is a broad range or limitation followed by linking terms (e.g., preferably, maybe, for instance, especially) and a narrow range or limitation within the broad range or limitation and is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

In claim 7, line 6, "said trapezoid components" lacks antecedent basis.

In claim 8, lines 3-4 and 8, "the trapezoidal element", line 9, "said trapezoidal element" and the coil head all lack antecedent basis, and line 4, "the latter" is indefinite and lacks antecedent basis.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1, and 3-7, 10, 12, 13, and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Duksthau et al. (US 4,264,836)**.

Duksthau et al. disclose invention as claimed: an electrical machine with a single-pole winding structured from two bodies wherein one of the bodies is formed of a laminated sheet plate formed of segments 4-7 each receiving at least two separately wound winding carriers 7 detachably secured in cavities 9-12 and limited by the yoke.

The feature of the cross-section of the cavities being suitable for both rotational and linear type of electric machine is inherent to the disclosed structure.

Re claim 17, the method of using the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

13. **Claims 1, and 3-10, 12, 13, and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Dukstau et al. (FR 2519204)**.

Dukstau et al. disclose invention as claimed: an electrical machine with a single-pole winding structured from two bodies wherein one of the bodies is formed of a laminated sheet plate formed of segments 3 each receiving at least two separately wound winding carriers 2 detachably secured in cavities 8 and limited by the yoke.

The feature of the cross-section of the cavities being suitable for both rotational and linear type of electric machine is inherent to the disclosed structure.

Re claim 17, the method of using the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 2, 11 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Duksthau et al. (US 4,264,836)** and/or **Dukstau et al. (FR 2519204)** in view of **Hill (DE 19643561)**.

Both **Duksthau et al.** and **Dukstau et al.** disclose an electrical machine with a single-pole winding essentially as claimed.. However, they do not disclose the winding carrier being limited by two adjacent non-wounded poles.

Hill discloses in Figures 7 and 8 an electrical machine having winding carriers 26, 29 limited by the yoke 30 and two adjacent non-wounded poles 27 for the purpose of good utilization of space between the winding carriers and to decrease the winding losses.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the machine as taught by **Duksthau et al.** or **Dukstau et al.** and to provide the winding carrier being limited by two adjacent non-wounded poles as taught by **Hill** for the purpose of good utilization of space between the winding carriers and to decrease the winding losses.

Re claim 11, **Hill** discloses in Figures 7 and 8 the electrical machine having winding carriers 26 furnished with profile wire coils 29 to provide a close fit of the surfaces to ensure a good heat dissipation and low noise.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the machine as taught by **Duksthau et al.** or **Dukstau et al.** and to provide the winding carrier with the profile wire coils as taught by **Hill** for the purpose of providing a close fit of the surfaces thus ensuring a good heat dissipation and

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low noise. It would have been further an obvious matter of design choice to select the flat wire profile for the purposes indicated above, since applicant has not disclosed that the flat wire solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any other profile that allows to achieve the same results.

Prior Art

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


JOSEPH WAKS
PRIMARY PATENT EXAMINER
TC-2800

JW
July 30, 2002